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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/331,959	09/28/1999	RAYMOND DUBOIS	022701-831	2312

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EXAMINER

MOORE, MARGARET G

ART UNIT PAPER NUMBER

1712

32

DATE MAILED: 09/16/2003

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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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Commissioner for Patents

Attached is a Supplemental Examiner's Answer, as requested by the Board of Patent Appeals and Interferences.

Margaret G. Moore  
Primary Examiner  
Art Unit: 1712

1. The newly submitted literature has not been entered or considered since it does not meet the requirements of 37 C.F.R. 1.195. Appellants have not provided a showing of good and sufficient reasons why this literature was not earlier presented.

2. The newly filed arguments concerning the rejection over Takita are not persuasive of unobviousness.

With respect to the position that it would not have been obvious to modify the composition of Takita by using a reactive component containing SiH groups in conjunction with the peroxide catalyst used in Takita, it is not clear why appellants would make such an argument since the rejection does not rely on the obviousness of using an SiH siloxane in conjunction with the peroxide catalyst. Page 3 of the Examiner's Answer clearly indicates that the rejection is based on the obviousness of using an SiH siloxane as an alternative to the peroxide. Note that the platinum catalyst required to facilitate the addition reaction is already present in the composition of Takita, since chloroplatinic acid will function as an appropriate catalyst. This argument carries no weight.

With regards to the presence of the azo compound, this is not excluded from the instant claims in view of the open language used in the claims. This argument carries no weight as well.

With regards to the alleged unexpected results, the Examiner relies on that noted in the Examiner's Answer. See the bottom of page 5 through page 6. The Examiner stresses that the results shown in Tables I and II carry no weight in establishing superior properties for compositions containing cerium oxide and a platinum compound, i.e. the showings are not commensurate with the scope of the claims. The Examiner notes that none of appellants' remarks address this discrepancy.

3. Regarding the arguments filed in the Reply Brief concerning the rejection over JP '644 in view of Matsushita, these are not persuasive of unobviousness. In fact, as admitted by appellants, the arguments found starting on page 6 of the Reply Brief simply repeat the arguments previously made. It is unclear why such redundancy was

believed to be necessary. The Examiner relies on the reasons of record in rebutting these arguments.

4. In view of this, the Examiner maintains that the claims are obvious over the prior art for reasons of record.

Respectfully submitted,

A handwritten signature in cursive script, reading "Margaret G. Moore".

Margaret G. Moore  
Primary Examiner  
Art Unit 1712

mgm  
09/09/03